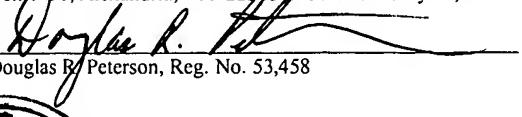


*UW*

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Douglas B. Peterson, Reg. No. 53,458



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/729,622  
Applicant : Mark E. Deem, Douglas S. Sutton, Hanson S. Gifford III, Bernard H. Andreas, Ronald G. French  
Filed : December 5, 2003  
Art Unit : 3734  
Examiner : Michael T. Andersen  
Title : OBESITY TREATMENT TOOLS AND METHODS  
Docket No.: : SATTY 69233  
Customer No. : 24201

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Form PTO/SB/08a have come to the attention of Applicants and are submitted to the Office under 37 C.F.R. § 1.97(c) (2).

01/22/2007 LWONDIM1 00000046 062425 10729622  
01 FC:1806 180.00 DA

The petition fee set forth in 37 C.F.R. § 1.17(p) of \$180 is enclosed. Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 06-2425. A duplicate copy of this letter is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
Douglas R. Peterson  
Registration No. 53,458

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
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JAN 22 2003 Doc. Code: 8

PATENT & TRADEMARK OFFICE

SACRAMENTO

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL for FY 2006

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)

**\$180.00**

**Complete if Known**

|                      |                  |
|----------------------|------------------|
| Application Number   | 10/729,622       |
| Filing Date          | December 5, 2003 |
| First Named Inventor | Deen et al.      |
| Examiner Name        | Andersen         |
| Art Unit             | 3734             |
| Attorney Docket No.  | SATTY-69233      |

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Deposit Account Number: 06-2425 Deposit Account Name: Fulwider Patton LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or any underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

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**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| <u>Application Type</u> | <u>FILING FEES</u> |                     | <u>SEARCH FEES</u> |                     | <u>EXAMINATION FEES</u> |                     |                      |
|-------------------------|--------------------|---------------------|--------------------|---------------------|-------------------------|---------------------|----------------------|
|                         | <u>Fee (\$)</u>    | <u>Small Entity</u> | <u>Fee (\$)</u>    | <u>Small Entity</u> | <u>Fee (\$)</u>         | <u>Small Entity</u> | <u>Fees Paid(\$)</u> |
| Utility                 | 300                | 150                 | 500                | 250                 | 200                     | 100                 | _____                |
| Design                  | 200                | 100                 | 100                | 50                  | 130                     | 65                  | _____                |
| Plant                   | 200                | 100                 | 300                | 150                 | 160                     | 80                  | _____                |
| Reissue                 | 300                | 150                 | 500                | 250                 | 600                     | 300                 | _____                |
| Provisional             | 200                | 100                 | 0                  | 0                   | 0                       | 0                   | _____                |

**2. EXCESS CLAIM FEES**

Fee Description

Each claim over 20 (including Reissues)

| <u>Small Entity</u> | <u>Fee (\$)</u> |
|---------------------|-----------------|
|                     | 50              |
| 200                 | 25              |
| 360                 | 100             |
|                     | 180             |

Each independent claim over 3 (including Reissues)

Multiple Dependent Claims

Multiple dependent claims

| <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|-----------------|----------------------|
| 50              | 25                   |
| 200             | 100                  |
| 360             | 180                  |

Total Claims

| <u>Fee (\$)</u>  | <u>Fee Paid (\$)</u> |
|--|----------------------|
| - 20 or HP = <u>  </u> x <u>\$25.00</u> = <u>  </u> \$0.00 |                      |

HP = highest number of total claims paid for, if greater than 20.

| <u>Indep. Claims</u>                                       | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|--|---------------------|-----------------|----------------------|
| - 3 or HP = <u>  </u> x <u>\$100.00</u> = <u>  </u> \$0.00 |                     |                 |                      |

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u>  | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u>                      | <u>Fee Paid (\$)</u> |
|--|---------------------|---|--------------------------------------|----------------------|
| - 100 = <u>  </u> 0 / 50 <u>  </u> 0 (round up to a whole) |                     |   | x <u>\$125.00</u> = <u>  </u> \$0.00 |                      |

**4. OTHER FEE(S)**

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Information Disclosure Statement Fee

\$180.00

**SUBMITTED BY**

|                   |                            |                                      |        |                  |              |
|-------------------|----------------------------|--------------------------------------|--------|------------------|--------------|
| Signature         | <u>Douglas R. Peterson</u> | Registration No.<br>(Attorney/Agent) | 53,458 | Telephone        | 310-824-5555 |
| Name (Print/Type) | Douglas R. Peterson        |                                      | Date   | January 17, 2007 |              |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Doc Code:

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5+

Application Number

10/729,622

Filing Date

December 5, 2003

First Named Inventor

Deem et al.

Art Unit

3734

Examiner Name

Andersen

Attorney Docket Number

SATTY-69233

### ENCLOSURES (Check all that apply)

|   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input checked="" type="checkbox"/> Fee Attached                          | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment / Reply                                | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Request for Refund   |   |
| <input checked="" type="checkbox"/> Information Disclosure Statement      | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> Landscape Table on CD  |   |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application   |   |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |
| Remarks   |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

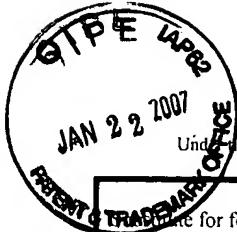
|              |                     |          |        |
|--------------|---------------------|----------|--------|
| Firm Name    | Fulwider Patton LLP |          |        |
| Signature    |                     |          |        |
| Printed name | Douglas R. Peterson |          |        |
| Date         | January 17, 2007    | Reg. No. | 53,458 |

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| Signature             |                     |  |  |
| Typed or printed name | Douglas R. Peterson |  |  |
| Date                  | January 17, 2007    |  |  |

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| <b>TRADEMA</b><br><small>for form 1449A/PTO</small><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><small>(use as many sheets as necessary)</small> |                      |                         |                                      | <b>Complete if Known</b>        |   |   |   |                |
|---|----------------------|-------------------------|--------------------------------------|---------------------------------|---|---|---|----------------|
|   |                      |                         |                                      | Application Number              | 10/729,622  |   |   |                |
|   |                      |                         |                                      | Filing Date                     | December 5, 2003                                      |   |   |                |
|   |                      |                         |                                      | First Named Inventor            | Deem et al.   |   |   |                |
|   |                      |                         |                                      | Art Unit                        | 3734  |   |   |                |
|   |                      |                         |                                      | Examiner Name                   | Michael T. Andersen                                   |   |   |                |
| Sheet   | 1                    | of                      | 2                                    | Attorney Docket Number          | SATTY-69233   |   |   |                |
| <b>U.S. PATENT DOCUMENTS</b>  |                      |                         |                                      |                                 |   |   |   |                |
| Examiner Initials*  | Cite No <sup>1</sup> | Document Number         |                                      | Publication Date<br>MM-DD-YYYY  | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |   |                |
|   |                      | Number                  | Kind Code <sup>2</sup><br>(if known) |                                 |   |   |   |                |
|   |                      | 4,311,146               |                                      | 01-19-1982                      | Wonder  |   |   |                |
|   |                      | 4,795,430               |                                      | 02-03-1989                      | Quinn et al.  |   |   |                |
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|   |                      |                         |                                      |                                 |   |   |   |                |
|   |                      |                         |                                      |                                 |   |   |   |                |
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|   |                      |                         |                                      |                                 |   |   |   |                |
|   |                      |                         |                                      |                                 |   |   |   |                |
| <b>FOREIGN PATENT DOCUMENTS</b>   |                      |                         |                                      |                                 |   |   |   |                |
| Examiner Initials*  | Cite No <sup>1</sup> | Foreign Patent Document |                                      |                                 | Publication Date<br>MM-DD-YYYY                        | Name of Patentee or<br>Applicant of Cited<br>Document                           | Pages, Columns, Lines<br>Where Relevant Passages<br>or Relevant Figures<br>Appear | T <sup>6</sup> |
|   |                      | Office <sup>3</sup>     | Number <sup>4</sup>                  | Kind <sup>5</sup><br>(if known) |   |   |   |                |
|   |                      |                         |                                      |                                 |   |   |   |                |
| Examiner Signature  |                      |                         |                                      |                                 |   | Date Considered   |   |                |

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO, Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|--|----------------------|-------------------------|--------------------------------------|--------------------------------|---|--|----------------|
|  |                      |                         |                                      | Application Number             |   | 10/729,622   |                |
|  |                      |                         |                                      | Filing Date                    |   | December 5, 2003   |                |
|  |                      |                         |                                      | First Named Inventor           |   | Deem et al.  |                |
|  |                      |                         |                                      | Art Unit                       |   | 3734   |                |
|  |                      |                         |                                      | Examiner Name                  |   | Michael T. Andersen  |                |
| Sheet  | 2                    | of                      | 2                                    | Attorney Docket Number         |   |  |                |
| <b>U.S. PATENT DOCUMENTS</b>   |                      |                         |                                      |                                |   |  |                |
| Examiner Initials*   | Cite No <sup>1</sup> | Document Number         |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines,<br>Where<br>Relevant Passages or Relevant<br>Figures Appear |                |
|  |                      | Number                  | Kind Code <sup>2</sup><br>(if known) |                                |   |  |                |
|  |                      | 2004/0044354 A1         |                                      | 03-04-2004                     | Gannoe et al.   |  |                |
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|  |                      | 2006/0151568 A1         |                                      | 07-13-2006                     | Weller et al.   |  |                |
| <b>FOREIGN PATENT DOCUMENTS</b>  |                      |                         |                                      |                                |   |  |                |
| Examiner Initials*   | Cite No <sup>1</sup> | Foreign Patent Document |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines<br>Where Relevant Passages<br>or Relevant Figures Appear     | T <sup>6</sup> |
|  |                      | Office <sup>3</sup>     | Number <sup>4</sup>                  |                                |   |  |                |
| Examiner Signature   |                      |                         |                                      |                                | Date Considered                                       |  |                |

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